

DECLARATION OF HSI SPECIAL AGENT CHRISTOPHER E. BRANT

Pursuant to 28 U.S.C. § 1746 and the laws of the United States, I, Christopher E. Brant, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief:

1. I am a Special Agent (SA) with Homeland Security Investigations (HSI) and have been so employed for over 17 years. I am assigned to the HSI Raleigh, North Carolina field office (HSI Raleigh) and my duties include supervising a group of SAs who, among other things, investigate violations of Titles 8, 18, 19, 21, 31, and 42 of the United States Code (U.S.C.). Prior to becoming a supervisor, I worked 16 years as an SA at HSI Raleigh and led or participated in hundreds of investigations involving criminal and/or administrative violations of law. Prior to reporting for assignment at HSI Raleigh, I attended training at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, where I received instruction in federal criminal statutes, search, seizure, and arrest authority, use of force, and many other facets of federal and general law enforcement. Prior to my employment with HSI, I worked five (5) years as an accountant and obtained undergraduate and master's degrees in business administration with concentrations in finance.

2. This declaration is based on my own knowledge and experience as well as information provided by other federal, state and/or local law enforcement agencies.

3. This declaration is made in support of the forfeiture of \$18,099 in United States Currency seized from Miguel Hutchinson (hereinafter referred to as "HUTCHINSON") on or about November 25, 2019, in the Eastern District of North Carolina. The U.S. currency is forfeitable pursuant to Title 21, U.S.C., Section 881.

SEIZURE OF \$18,099 ON NOVEMBER 25, 2019

4. On or about November 25, 2019, at 0055 hours, Fort Bragg Military Police (FBMP) Sergeant (Sgt.) Pena was conducting stationary radar at North



Carolina Highway 87 and Nursery Road in or near Cameron, NC (Harnett County) when he observed a white Dodge Charger bearing North Carolina tag HEA-1544 travelling at 71 miles per hour in a 55 miles per hour zone. Sgt. Pena initiated a traffic stop, and the driver of the vehicle quickly pulled to the right side of the road and stopped. Sgt. Pena exited his patrol vehicle and approached the Charger on the driver's side. While doing so, Sgt. Pena noted a strong odor of marijuana emanating from within the vehicle. Sgt. Pena initiated contact with the occupants of the vehicle who were later identified as Michael Hendley (hereinafter referred to as "HENDLEY"), the driver, Jeremy Tumbling (hereinafter referred to as "TUMBLING"), the front passenger, and HUTCHINSON, the rear left passenger. Sgt. Pena instructed HENDLEY to exit the vehicle and HENDLEY complied. Sgt. Pena notified HENDLEY that he detected an odor of marijuana eliminating from the vehicle and asked HENDLEY if there was anything illegally within the vehicle. HENDLEY responded there was not. Sgt. Pena then conducted a frisk of HENDLEY'S person and detained HENDLEY. Sgt. Pena then turned his attention to HUTCHINSON. Sgt. Pena instructed HUTCHINSON to exit the vehicle and HUTCHINSON complied. Sgt. Pena conducted a frisk of HUTCHINSON'S person and while doing so noted a strong odor of marijuana emanating from HUTCHINSON'S person. The frisk resulted in the identification of a plastic bag from within HUTCHINSON'S right pocket that contained approximately three (3) grams of marijuana and \$1,119 in U.S. currency from within HUTCHINSON'S jacket. After the frisk, HUTCHINSON was detained.

5. Shortly after the traffic stop of the Charger was initiated, FBMP Specialist (Spc.) Ram arrived to assist Sgt. Pena. Spc. Ram approached the charger from the passenger side. Once Sgt. Pena detained HENDLEY and HUTCHINSON, Spc. Ram instructed TUMBLING to exit the vehicle and TUMBLING complied. Spc. Ram then conducted a frisk of TUMBLING'S person and detained TUMBLING. After

detaining TUMBLING, Spc. Ram noted that a firearm (detailed below) was in plain view on the floorboard where TUMBLING had been seated. Spc. Ram retrieved the firearm to check and render it safe and while doing so noted a strong smell of marijuana emanating from within the vehicle.

6. Once HENDLEY, HUTCHINSON, and TUMBLING were detained, a probable cause search of the vehicle was initiated. The search resulted in the discovery of the following items:

- a. \$16,980 in bulk U.S. currency concealed within a grocery bag on the rear driver's side passenger floorboard (where HUTCHINSON had been seated)
- b. A loaded Taurus Model TH9C pistol bearing serial number TLY28306 with 16 rounds of ammunition on the front passenger floorboard (where TUMBLING had been seated)
- c. A loaded 380 Hi-Point CF-380 pistol bearing serial number PB34183 with 11 rounds of ammunition on the driver's floorboard (where HENDLEY had been seated)
- d. A loaded Century Arms AK-47 rifle bearing serial number RA847047719 with seven (7) rounds of ammunition in the vehicle's trunk.

7. While searching the vehicle Spc. Ram noted that HENDLEY, HUTCHINSON, and TUMBLING smelled like marijuana. Spc. Ram searched each. A search of TUMBLING'S person revealed a small bag containing approximately four (4) grams of marijuana within TUMBLING'S right pocket.

8. While on scene, deputies with the Harnett County Sheriff's Office (HCSO) arrived to assist. A deputy conducted record checks on HENDLEY, HUTCHINSON, and TUMBLING. The record checks revealed that each were convicted felons, and that TUMBLING had an order for his arrest in Hoke County.

(Note that it appears HENDLEY was not a convicted felon at the time. He had, however, been arrested and charged with felony narcotics offenses in or about September 2019.).

9. After searching the vehicle, the vehicle was impounded, and HENDLEY, HUTCHINSON, and TUMBLING were transported to the Fort Bragg Military Police Station. After arriving at the station, HENDLEY, HUTCHINSON, and TUMBLING were searched. A search of TUMBLING revealed 10 MDMA pills hidden near his genitals and approximately \$1,315 in U.S. currency from within his pocket.

10. Record checks conducted on November 25, 2019, revealed that HUTCHINSON had previously been arrested on or about February 3, 2019, by the Fayetteville Police Department (FPD) for possession of a stolen firearm by a felon, possession of a stolen firearm, possession with intent to sale or distribute marijuana, carrying a concealed gun, and resisting a public officer.

11. During the roadside investigation, HSI Special Agent Moulitis (“SA Moulitis”) was contacted via telephone by Army Criminal Investigation Division (CID) agents. Army CID agents requested SA Moulitis’ assistance and provided him with information related to the bulk U.S. currency and firearms. SA Moulitis agreed to assist and subsequently met Sgt. Pena, Spc. Ram, and CID officials at the Fort Bragg Military Police Station. SA Moulitis received a briefing of the incident. SA Moulitis inspected the firearms and bulk U.S. currency and while doing so noted that a strong smell of marijuana was emanating from within the bag containing the U.S. currency. SA Moulitis also noted that the bulk U.S. currency was banded together using rubber bands.

12. Based on the investigative findings from November 25, 2019, SA Moulitis seized the \$18,099 attributable to HUTCHINSON (\$16,980 from the bag at his feet within the vehicle and \$1,119 from his person), the \$1,315 attributable to TUMBLING, the drugs, and firearms. SA Moulitis subsequently obtained a warrant

for TUMBLING'S arrest for being a felon in possession of a firearm. SA Moulitis also obtained a warrant for HUTCHINSON'S arrest for being a felon in possession of a stolen firearm based on his February 3, 2019, arrest in Fayetteville, North Carolina (detailed below).

INCIDENT ON FEBRUARY 3, 2019

13. On or about February 3, 2019, at approximately 2127 hours, FPD Officer (Ofc.) Earwood responded to assist other FPD officers near Bragg Boulevard and Sycamore Dairy Road (Cumberland County) in reference to a robbery that had occurred at the Family Dollar in that area. Ofc. Earwood and others established a perimeter in the area and while doing so noticed a black male, later identified as HUTCHINSON, wearing black pants and a black hoodie over his head. HUTCHINSON partially matched the description of the robbery suspect who had been described as a black male wearing black pants and a black hoodie with a white bandana over his face. HUTCHINSON walked into a McDonalds and then immediately walked out while staring at the officers. The officers decided to approach HUTCHINSON, who was then seated in the driver's seat of a parked red Hyundai Sonata.

14. Upon approaching the vehicle in which HUTCHINSON was seated, Ofc. Earwood noted a strong smell of marijuana emanating from within the vehicle. Ofc. Earwood asked HUTCHINSON for his name, and HUTCHINSON responded, "Miguel Henderson". Initial record checks on that name were negative. Ofc. Earwood instructed HUTCHINSON to exit the vehicle and HUTCHINSON reached down towards his legs and hesitated to open the door of the vehicle. Ofc. Earwood prevented HUTCHINSON from reaching any further and he removed HUTCHINSON from the vehicle. When asked for his name again, HUTCHINSON responded that his name was "Miguel Hutchinson". Record checks revealed that HUTCHINSON was a previously convicted felon. While HUTCHINSON was

detained, another officer reported that he had seen surveillance video from the Family Dollar and that HUTCHINSON was not the suspect. Ofc. Earwood transitioned from investigating HUTCHINSON for the robbery to investigating HUTCHINSON for potential narcotics violations.

15. Ofc. Earwood requested the assistance of a nearby K-9 officer, “Bianka”. “Bianka” alerted to the presence of an odor of narcotics emanating from HUTCHINSON’S vehicle and a probable cause search of the vehicle was conducted. The search resulted in the discovery of the following items:

- a. 22.8 grams of marijuana from within the vehicle’s center console
- b. A silver digital scale from within the vehicle’s center console
- c. Multiple plastic baggies from within the vehicle’s center console
- d. A loaded Taurus PT111 G2 Millenium pistol bearing serial number TJN86662 with 12 rounds of ammunition between the driver’s seat and the center console.

16. After discovering the Taurus pistol, Ofc. Earwood conducted record checks to determine if the firearm was stolen. The record checks returned positive and revealed that the firearm had been reported stolen earlier in January 2019.

DRUG CONVICTIONS

17. On December 19, 2019, HUTCHINSON was indicted in the Eastern District of North Carolina in case number 5:19-cr-00523-BO on charges of felon in possession of a firearm, possession with intent to distribute a quantity of marijuana, and possession of a firearm during a drug trafficking crime arising from acts on February 3, 2019.

18. On March 2, 2021, a jury in the Eastern District of North Carolina returned a verdict finding HUTCHINSON guilty as to all three counts, including possession with intent to distribute a quantity of marijuana.

ADDITIONAL RECORD CHECKS

19. As part of this investigation, I have conducted searches of the North Carolina Employment Security Commission database to determine if quarterly wages were reported for HUTCHINSON prior to the seizure of \$18,099 on November 25, 2019. The database revealed the following reported quarterly wages:

- a. 4th Quarter 2016 - \$4,157.69
- b. 1st Quarter 2017 - \$1,803.99
- c. 2nd Quarter 2018 - \$2,023.57
- d. 2nd Quarter 2019 - \$168.72

20. Based on my knowledge, training, and experience, the reported wages provide no plausible lawful explanation as to the source of the \$18,099 seized from HUTCHINSON on November 25, 2019.

NARCOTIC TRAFFICKING CHARACTERISTICS

21. Based on my knowledge, training, and experience, I know that narcotic traffickers avoid using traditional financial institutions or electronic payment methods to avoid detection and are forced to transport large quantities of bulk U.S. currency to purchase large quantities of narcotics for resale. The manner in which the bulk U.S. currency seized on November 25, 2019, was being transported is consistent with narcotics trafficking activities.

22. Based on my knowledge, training, and experience I know that narcotics traffickers often bundle their bulk U.S. currency with rubber bands. The bundles are usually bundled in predetermined amounts to ease in the counting of the currency when transactions are conducted. The manner in which the bulk U.S. currency seized on November 25, 2019, was bundled is consistent with narcotics trafficking activities.

23. Based on my knowledge, training, and experience I know that narcotics traffickers break down larger amounts of narcotics into smaller quantities that have

been weighed and packaged for sale. The smaller quantities are often weighed using digital scales and they are often stored in small plastic baggies. The digital scale and plastic baggies seized on February 3, 2019, are consistent with someone breaking down larger quantities of narcotics into smaller quantities for sale.

CONCLUSION

24. Based on the foregoing, probable cause exists to believe that the aforementioned \$18,099 in U.S. currency was furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act, 21 U.S.C. §§ 801 *et seq.*, is proceeds traceable to such an exchange, or was used or intended to be used to facilitate a violation of the Controlled Substances Act, and is, therefore, subject to forfeiture to the United States pursuant to Title 21, U.S.C., Section 881(a)(6). The foregoing facts are also sufficient to support a reasonable belief that the government will meet its burden of proof to establish the forfeitability of currency at trial.

Executed this 18th day of November, 2024.



Christopher E. Brant
Supervisory Special Agent
Homeland Security Investigations